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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,957	02/18/2004	Toru Nakazawa	P/2635-72	2347
2352 7590 09/19/2007 OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403			EXAMINER TRAN, PHUC H	
			ART UNIT 2616	PAPER NUMBER
			MAIL DATE 09/19/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/780,957

Applicant(s)

NAKAZAWA, TORU

Examiner

PHUC H. TRAN

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,11,12,21,22,31,32,41 and 42 is/are rejected.
- 7) ☒ Claim(s) 3-10,13-20,23-30,33-40 and 43-50 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 2/18/07.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1,2,11,12,21,22,31,32,41,and 42 are rejected under 35 U.S.C. 102(e) as being anticipated by Hanson et al. (U.S. Patent No. 7,136,645).

- With respect to claims 1,2,11,12,21,22,31,32,41,and 42, Hanson et al. disclose a method and apparatus for providing mobile and other intermittent connectivity in a computing environment comprising:

a mobile terminal (see box 104 in figure 2); a base station apparatus (see column 43 lines 48-49); a data relay apparatus (see box 112 in figure 1); and a server apparatus (see box 102 in figure 2), wherein one of the mobile terminal, the base station apparatus, the data relay apparatus and the server apparatus includes: a transmitting unit which transmits a transmission data and receives an acknowledgement data corresponding to the transmission data through a communication line (see column 24 lines 56-67), a monitoring unit which monitors the transmission data and the acknowledgement data, a determining unit which determines a retransmission timeout period based on a monitored result by the monitoring unit in a certain

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period, and the transmitting unit retransmits the transmission data when the acknowledgement data is not received in the retransmission timeout period(see column 25 lines 1-14);

wherein the communication line includes a wireless communication line and a wire communication line (see box 106k in figure 1);

a transmitting unit which transmits a transmission data and receives an acknowledgement data corresponding to the transmission data through a communication line; a monitoring unit which monitors the transmission data and the acknowledgement data(see column 25 lines 56-67); and a determining unit which determines a retransmission timeout period based on a monitored result by the monitoring unit in a certain period; wherein the transmitting unit retransmits the transmission data when the acknowledgement data is not received in the retransmission timeout period (see column 25 lines 1-14);

a transmitting unit which transmits a transmission data and receives an acknowledgement data corresponding to the transmission data through a communication line(see column 24 lines 56-67); a monitoring unit which monitors the transmission data and the acknowledgement data; and a determining unit which determines a retransmission timeout period based on a monitored result by the monitoring unit in a certain period; wherein the transmitting unit retransmits the transmission data when the acknowledgement data is not received in the retransmission timeout period(see column 25 lines 1-14);

transmitting a transmission data and receiving an acknowledgement data, which corresponds to the transmission data through a communication line; monitoring the transmission data and the acknowledgement data; and determining a retransmission timeout period based on a

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monitored result in a certain period; wherein the transmission data is retransmitted when the acknowledgement data is not received in the retransmission timeout period (see column 25 lines 1-14); and

a computer program product embodied on a computer-readable medium and comprising code that, when executed, causes a computer to perform the following: transmitting a transmission data and receiving an acknowledgement data which corresponds to the transmission data through a communication line (see column 24 lines 56-67); monitoring the transmission data and the acknowledgement data; and determining a retransmission timeout period based on a monitored result in a certain period; wherein the transmission data is retransmitted when the acknowledgement data is not received in the retransmission timeout period (see column 25 lines 1-14).

Allowable Subject Matter

3. Claims 3-20, 23-30, 33-40, and 43-50 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

O'Sullivan (4,697,281) is cited to show a system which is considered pertinent to the claimed invention.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUC H. TRAN whose telephone number is (571) 272-3172.

The examiner can normally be reached on M-F (8-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CHI PHAM can be reached on (571) 272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Phuc Tran
Assistant Examiner
Art Unit 2616

P.t
9/15/07


CHI PHAM
SUPERVISORY PATENT EXAMINER

9/17/07